

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATRICK P. HARRIS,

Plaintiff,

v.

ORDER
04-CV-848A

JO ANNE BARNHART
Commissioner of Social Security,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B) on January 10, 2005. On August 10, 2005,, Magistrate Judge Scott filed a Report and Recommendation, recommending that the case should be remanded for further proceedings; that defendant Commissioner's Motion for Judgment on the Pleadings should be denied and plaintiff's Motion for Judgment on the Pleadings should be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the case is remanded for further proceedings; defendant Commissioner's Motion for Judgment on the Pleadings is denied and plaintiff's Motion for Judgment on the Pleadings is granted. The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 4 , 2005